

COMMISSION TO STUDY PUBLIC HEALTH

Meeting Summary: Subcommittee on Government Involvement in Nutritional Choice June 17, 2004

Members and Others Present: Lori Kaley, Ruth McNiff, Karen O'Rourke, Dr. Stephen Sears, Michelle Small, Dick Grotton (Maine Restaurant Association), Will Gardiner (Eaton Peabody), Rich Trahey (Maine Grocers Association).

Staff Present: James R. Adolf and Phillip D. McCarthy, Legislative Analysts

1. Introduction

Lori Kaley convened the subcommittee meeting and reviewed the goals of the meeting: to develop a recommendation concerning labeling of menus and menu boards in chain restaurants, and a recommendation concerning how to provide information to public benefits recipients to encourage healthy food choices.

2. Discussion: Labeling at Chain Restaurants

Dick Grotton of the Maine Restaurant Association gave a brief overview of the issues surrounding portion sizes at restaurants, which he said were driven by customers' wishes, and of some industry responses to concerns about obesity.

Questions and comments:

- Consumers need nutritional information about restaurant offerings that is accessible, meaning it can be easily accessed at the point of sale.
- How many restaurants would be covered by a rule governing restaurants that are part of a chain with 20 or more locations nationwide?
 - According to Dick Grotton, this would cover approximately 600 restaurants in Maine (out of 3,200), from 62 national chains.
- How many of these affected chain restaurants are "sit-down" (e.g. Appleby's) versus "fast-food" (e.g. McDonald's)?
 - According to Dick Grotton, roughly 20% are sit-down restaurants and 80% are fast-food restaurants.
- A labeling proposal would need language explaining that, in sit-down restaurants, the nutritional information provided would be for meals "as offered for sale" (e.g. not customized), and that some variance might be possible due to "hand spooning" of portions.
- For many sit-down restaurants, nutritional information is being estimated on websites (e.g. Ruby Tuesday's) – these types of estimates are not too difficult to do.
 - The restaurant industry claims that many restaurants have not done this analysis and that it would be costly.

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- Labeling would aid diners' ability to make healthy choices and take personal responsibility, rather than limit any choices.
- Concern of restaurant industry: this proposal would trigger more stringent requirements of National Food Labeling Act?
- The restaurant industry claims that consumers do not want nutritional information on menus (this point was debated).
- The cost of changing menus was discussed – the restaurant association estimate was \$20,000 per restaurant, which was debated. It was noted that restaurants already must comply with health requirements by using signage (e.g. exit signs, handicapped signs), and this obligation would be no different.
- Ruby Tuesday's was noted as a model – they currently provide nutritional information on menus, meaning that it cannot be too difficult to do and that it must not be a source of legal liability.
- Restaurants should be providing this information voluntarily – it will protect them from liability, and consumers want it.
- Consensus of the subcommittee was to recommend the last amended version of LD 391 (which limited labeling to caloric information), with the additional amendment of including language that information would be for standard meals "as offered for sale" (not customized). Language will be drafted and circulated to subcommittee members.

3. Discussion: Encouraging Healthy Choices through Public Benefits

Questions and comments:

- Dirigo Health provides a \$100 credit for people who satisfy certain "healthy choice" parameters through the "Healthy ME Rewards" program.
- Consensus of the subcommittee was to have language drafted that will direct Dirigo Health and the Food Stamp program to provide information to the group of people who are involved in both programs as to how they may make healthy choices in food purchases (e.g. fruits and vegetables) that will help them secure the \$100 credit from Dirigo Health. Once drafted, this language will be circulated to subcommittee members.

4. Adjournment

The subcommittee meeting was adjourned at 5:00 p.m.

Respectfully submitted,

James R. Adolf, Legislative Analyst
Phillip D. McCarthy, Legislative Analyst